



City of Deltona

2345 Providence Blvd.
Deltona, FL 32725

Minutes

City Commission

Tuesday, January 17, 2017

5:30 PM

2nd Floor Conference Room

City Manager's Agenda Review

1. CALL TO ORDER:

The meeting was called to order by Mayor Masiarczyk at 5:30 p.m.

2. ROLL CALL – CITY CLERK:

Present: 8 - Commissioner Bradford
Commissioner Herzberg
Commissioner Honaker
Commissioner Soukup
Vice Mayor Nabicht
Mayor Masiarczyk
City Manager Shang
City Attorney Vose

Absent: 1 - Commissioner Alcantara

3. INVOCATION AND PLEDGE TO THE FLAG:

Mayor Masiarczyk led the Pledge to the Flag.

A. Invocation Presented by Commissioner Soukup

4. APPROVAL OF MINUTES & AGENDA:

A. Approval of minutes - Regular Commission Meeting of January 3, 2016, as presented. - Joyce Raftery, City Clerk (386) 878-8502.

There were no questions or comments on the minutes as presented.

5. PRESENTATIONS/AWARDS/REPORTS:

A. Recognition of Sheriff Michael J. Chitwood

City Manager Shang asked Captain Eagan to verify that Sheriff Chitwood will be attending and Captain Eagan responded Sheriff Chitwood will be in attendance.

B. Presentation - Quarterly Reports of City Advisory Boards/Committees - Joyce Raftery, City Clerk (386) 878-8502.

Mayor Masiarczyk stated Parks and Recreation, the Affordable Housing Advisory Committee (AHAC) and Wm. S. Harvey Deltona Scholarship Committees submitted written Quarterly Reports and Sonjia Kihlmire will present the Ordinance Review Committee (ORC) Quarterly Report.

C. Presentation: City of Deltona Sports Facility Needs Assessment - Chris Bowley, AICP, Planning and Development Services, (386) 878-8602.

Strategic Goal: Infrastructure. Determine a sports facility niche for the City.

Mayor Masiarczyk asked if this would be a short presentation of the update on the Sports Facility Needs Assessment with no discussion to finalize this item and City Manager Shang responded it would be a short presentation and we have the consultant with us.

6. CITY COMMISSION SPECIAL REPORTS:

Mayor Masiarczyk asked if there were any Special Reports and Commissioner Herzberg responded she would have reports from the Florida League of Cities, Center for Women and Men and the Elected Official's Roundtable. Commissioner Honaker stated he would make some remarks about Relay for Life.

There were no other comments.

7. PUBLIC FORUM: - Citizen comments limited to items not on the agenda and comments on items listed on the agenda will take place after discussion of each item.

CONSENT AGENDA: The consent agenda contains items that have been determined to be routine and non-controversial. If anyone in the audience wishes to address a particular item on the consent agenda, now is the opportunity for you to do so. Additionally, if staff or members of the City Commission wish to speak on a consent item, they have the same opportunity.

8. CONSENT AGENDA:

9. ORDINANCES AND PUBLIC HEARINGS:

A. Public Hearing - Ordinance No. 28-2016, Amending Chapter 94, Impact Fees, of the Land Development Code, and the City's Impact Fee Schedule for Fire/Rescue, Parks, Transportation, and Law Enforcement, at second and final reading - Chris Bowley, AICP, Planning and Development Services.

(386) 878-8602.

Strategic Goal: Other Priority Objectives Identified - Maintain a balanced budget, reserves, and investments.

Mayor Masiarczyk stated Ordinance 28-2016 pertains to impact fees and he asked if there was any new information. Mr. Bowley responded there was not. City Manager Shang did comment that square footage pertains to "usable square footage" in the ordinance.

Commissioner Soukup asked when the fees are collected do the fees go into each budget or into the General Fund. Mr. Clinger responded the fees go into a separate impact fee fund where it sits until it is appropriated for use. Commissioner Soukup asked what the fees could be used for and Mr. Clinger responded it has to be in the budget and must be capital growth related. City Manager Shang added it is used for what it is collected for. Commissioner Soukup asked if there was a reason these fees were raised and City Manager Shang responded we have to have the fees in line with what we think the costs will be. He stated we keep talking about economic development so are we not going against that because commercial will have to pay for this.

Commissioner Bradford stated she has done some research on this and one (1) of the articles she read says it reduces the amount of burden on the residents. She used Howland Blvd. as an example that bringing in businesses brings more traffic so we will need better roads, more streetlights and sidewalks and the impact fees help absorb the cost to maintain the roads, etc. Mayor Masiarczyk added the fees are in lieu of ad valorem taxes and if you do not collect those funds you have to take it from the General Fund. Mr. Clinger stated there is a different twist on that; the impact fee is supposed to pay the capital outlay portion and the theory is the growth will result in more property taxes which will take care of the year-to-year maintenance. Commissioner Herzberg added that businesses understand that they will have to pay the impact fees as a cost of establishing a business. Vice Mayor Nabicht pointed out that some of the fees were lowered to bring the fees more in line with the region.

There were no other comments.

B. Public Hearing - Request for Rehearing of Ordinance No. 30-2016, Rezoning Request for ±1.46 acres of land located near of the intersection of DeBary Ave. and Providence Blvd., at first reading - Chris Bowley, AICP, Director of Planning and Development Services, (386) 878-8602.

Strategic Goal: Economic Development - work with existing businesses to expand and grow.

Mayor Masiarczyk stated this item as he understands it is strictly a request for a re-hearing and we do not want to discuss projects; it is based on the change in the zoning of the property. Assistant City Attorney Vose clarified that this item is a hearing

on whether to grant a re-hearing and the Commission is not re-hearing the zoning tonight; you are being asked for the opportunity for a hearing at some point in the future to start over as if you were at the October Meeting. He stated what the ordinance requires in this provision is it avoids what would otherwise be the only relief the applicant has which would be in the Circuit Court and it gives the opportunity to get another chance to take a look at the ordinance requirement that the Commission find a reason to grant a re-hearing. He stated it was mentioned here that the record indicates there was a motion and a second prior to the applicant having a chance to make a presentation.

There were no other questions or comments.

- C. **Public Hearing - Ordinance No. 32-2016, Rezoning ±1.67 acres located at 3151 Howland Blvd. from C-2 (General Commercial) to C-1 (Retail Commercial), at second and final reading - Ron A. Paradise, Assistant Director, Planning and Development Services (386) 878-8610.**

Strategic Goal: Economic Development - focus on Howland Blvd. as a gateway for commercial growth.

Mayor Masiarczyk stated the next item is a public hearing regarding a re-zoning and City Manager clarified this is a different re-zoning; it is on Howland Blvd., it is a church and it is the second and final reading.

There were no questions or comments.

- D. **Public Hearing - Ordinance No. 34-2016, Amending the Comprehensive Plan of the City of Deltona Capital Improvements Element, at first reading - Ron Paradise, Assistant Director, Planning and Development Services, (386) 878-8610.**

Strategic Goal: Infrastructure - create a utility master plan consistent with zoning.

Mayor Masiarczyk stated this item is regarding amending the Capital Improvement Element (CIE) Utility Master Plan for 1st Reading and he asked if there was anything different. Mr. Paradise responded it is something the City does every year and is a State mandate; it is an analysis that the City has met its level of service obligation.

There were no other questions or comments.

10. OLD BUSINESS:

11. NEW BUSINESS:**A. Request for City of Deltona funds.**

Mayor Masiarczyk stated the next item is regarding a request for City funds and rather than get into a discussion now the Commission should discuss this in public because he thinks there is a misunderstanding by the public on what the Commission originally budgeted this money for. He stated it was for emergencies and it is getting to be a fund that people want to use and there are a lot of requests for this \$35,000.

Commissioner Herzberg stated the Futures group was one (1) of the groups that applied to the Community Development Block Grant (CDBG) program that was declined. She asked for clarification that the reason why this fund was created was initially out of that situation where four (4) applicants were denied funding and City Manager Shang responded "no". Mayor Masiarczyk stated this fund was to be used for example the shirts used for an event and there was no funding. He stated originally during the budget hearings the Commission discussed each Commissioner would have a certain amount set aside for events in the Commissioner's district and nobody liked that idea so, it was decided to put that money there for emergency things that come up that cannot be done on an annual basis like special events, awards, etc. He stated what has happened is the public thinks it is another funding mechanism that would normally be done during budget time.

Vice Mayor Nabicht asked if there was a problem with the policy that the Commission needs to address and Mayor Masiarczyk responded that the policy needs to be changed to reflect things that could not otherwise be requested during budget time. City Manager Shang stated the policy is very broad but, the key is it has to benefit Deltona residents which is what the Commission had directed and was supposed to be for unforeseen situations. She added there was dialogue when there was the four (4) agencies that were not awarded funds from CDBG but, then the Commission decided not to and we came up with a simple application and process. Commissioner Herzberg asked if the four (4) applicants that were declined by CDBG received awards out of the general fund and City Manager Shang responded "no".

There were no other questions or comments.

B. Authorization to utilize Volusia County's Cooperative Purchasing Professional Services Agreement for Disaster Cost Recovery and Related Grant & Project Management.

Mayor Masiarczyk stated the next item is something staff has worked with the County on regarding authorization to utilize that Volusia County purchasing professional services to help with recovery reimbursement after the storm. Commissioner Soukup asked if this was the same as the Tetra Tech Company and Mr. Doan responded Tetra Tech does not provide these services and this is the review of the costs incurred after the storm and the request for reimbursement from FEMA. Mr. Doan stated the county has that

service in their agreement and we would have to do an RFQ. Commissioner Soukup stated Orange City signed the agreement four (4) days after the storm and he asked why the City did not. Mr. Doan stated we had our own monitoring service for the removal of the debris and FEMA does not like co-operative agreements because, they do not want cost shopping. He stated FEMA wants you to have your own RFQ in-house like we had for the removal stage and now that we are at the paperwork stage it is different work and the County has that in their agreement. Mr. Clinger stated this requires a totally different skill; you have to follow all the rules and regulations to get reimbursement from FEMA and that is a very special skill and his department cannot do it. He added we can get up to 75% of our incurred expenses depending on the quality of the paperwork. Mr. Doan stated when the City does the RFQ this year these services will be included. Mr. Clinger likened it to doing a complex tax return yourself. Commissioner Bradford suggested if the City messes up the paperwork we jeopardize losing the funds from FEMA. City Manager Shang stated the cost for this service is negligible in comparison to the millions that could be reimbursed. Commissioner Soukup asked if there was an estimated cost to the City and Mr. Doan responded about \$1.6 million + including the Tetra Tech fee; possibly \$2 million.

Mayor Masiarczyk asked if there was any other new business and Commissioner Honaker asked about the bullet point that was supposed to be under Commission Reports and was not there. City Manager Shang responded she had spoken with Assistant City Attorney Vose and we should have that on the next meeting agenda.

There were no other questions or comments.

12. CITY ATTORNEY COMMENTS:

13. CITY MANAGER COMMENTS:

14. CITY COMMISSION COMMENTS:

Commissioner Honaker stated it was brought to his attention that there is a need establish an Ordinance on how you can do a request to change the City Charter by petition. He stated according to the Charter prior Commissions were supposed to come up with an ordinance that would include how to do to change the charter by petition and it was never done. Mayor Masiarczyk stated he was going to bring that up; it is part of the Policies and Procedures that someone could request the form and a form was never generated because no one brought up the issue. He stated that is a good issue to bring up, there has got to be a procedure by law, it has been the Charter Review Committee that proposed changes to the Charter in the past. Assistant City Attorney Vose stated that it is a standard type of ordinance that other cities have that would specify the form and the procedure by which someone could go through petition to change the Charter.

Commissioner Soukup stated he had spoken with Pat Gibson about an issue she has and he wanted to know what to tell her. Vice Mayor Nabicht responded that he had spoken with Ms. Gibson at the Legislation Delegation Meeting and he had asked City Manager Shang to get with the Building Official and he asked that a copy out of the

code where it authorizes the inspections to be done the way they were done which did not require getting on the roof to do the inspection. He stated that he had suggested that City Manager Shang get with the Building Code Congress and surrounding municipalities to see how they do business. He stated that was done and the information was sent out to everyone including Ms. Gibson via email with attachments by City Manager Shang. He stated that he had told Ms. Gibson to give City Manager Shang a couple of weeks to research this at that time and when she received the information if Ms. Gibson still disagrees with the information he will meet with her to go over the information point by point. He stated he believed the report showed the City did everything on point and Ms. Gibson has not yet contacted him. He explained the code has changed over time and the current code was designed due to incidents of inspectors in South Florida being injured by falling off the roofs and he explained that the inspectors inspect by themselves so, they laid there injured waiting to be found. He stated the code now allows visual inspection from the ground and it allows the contractor to provide an affidavit to the City that the roof was installed according to code so, the liability shifts back to the contractor. Mayor Masiarczyk stated he believed Ms. Gibson has received the answers to her questions, she just does not agree with the answers.

City Manager Shang stated Ms. Gibson also had an issue with an unlicensed plumber, the City filed a complaint for Ms. Gibson and the plumber was arrested. Mr. Baker clarified that the plumber was not arrested for doing unsilenced work, he was arrested for doing false advertisement. He added the plumber underbid Ms. Gibson on the job so, he got the job and the work performed did not require a permit and did not require a licensed plumber, you could just be a handyman.

Vice Mayor Nabicht stated the City is not the end all, say all; if Ms. Gibson is not satisfied she can file a complaint with Department of Building & Professional Regulation (DBPR). Mr. Baker added that the City filed the complaint for Ms. Gibson and that is why the plumber got arrested.

There were no other questions or comments.

15. ADJOURNMENT:

Mayor Masiarczyk adjourned the meeting at 6:06 p.m.

Janet Day, Deputy City Clerk